IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2242 OF 1991

The Municipal Corporation of the
City of Pune & Anr.... .... Petitioners.

Versus

Arun Laxman Kudale... ... . Respondent.

Mr. R.M. Pethe with Mr. R. G. Ketkar
for the Petitioners.

Mr. A. M. Joshi for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 9TH JUNE, 2005.

P.C.:

The Petitioner Corporation has challenged the order of the Principal Judge, Small Causes Court, Pune reducing the rateable value in respect of the land owned by the Respondent.

2. The Respondent is the owner of a plot bearing No.98-A/17 in Hadapsar Industrial Estate, Pune. The area of the first floor is about 1350 sq.ft. The Respondent made a new construction. The Corporation, therefore, issued a notice dated 14th February, 1985

for enhancement of rateable value. The Peth Inspector revised the rateable value from Rs.738/- to Rs.53,800/-. Reducing the figure by 15% on account of repairs, maintenance, etc. it was proposed at Rs.45,750/-. It appears that the rateable value was fixed at the rate of Rs.2/- per sq.ft. Before the Enquiry Officer, the amount was fixed to Rs.35,350/- with effect from 1st January, 1985. Out of this the A.R.V. of 1523 sq.ft. which is part of the larger area was fixed at Rs.20,200/-.

3. Being aggrieved, the Respondent filed an appeal before the Small Causes Court at Pune. The Appellate Court reduced the rateable value from Rs.35,350/- to Rs.19,450/-. As regards the 1530 sq.ft. the Appellate Court reduced the rateable value from Rs.20,200/- to Rs.10,400/-. As regards the total value the Appellate Court has reduced the same from Rs.35,350/- to Rs.19,450/-. This in my view has been rightly done in view of the fact that the premises of which the A. R. V. is in issue is a factory shed which is not normally let out and therefore the rateable value has not been calculated by the Court on the basis that the land may be extracted from the such premises. Instead the Court has adopted the costs on

construction method (commonly known as the Contractor Method) which is known method for fixing rateable value. The court has done so on the basis of the evidence of the Architect who deposed that the costs of construction of the first floor was about Rs.1,30,000/- taking the basis of return at 8% on the said amount, the Court has pegged the annual rent to about Rs.10,400/- and allowing a deduction of 15% has arrived at Rs.8,840/-. The above is in respect of the first floor.

4. As regards the garage the Court has reduced the amount from Rs.195/- to Rs.75/-. As regards the rent for the shed which was taken by the Corporation at Rs.680/- the Court has reduced it to Rs.340/- per month. Thus arriving at a total annual rateable value of the first floor, shed and garage to Rs.13,250/- adding the previous rateable value of Rs.6,200/- pertaining to the ground floor, the Court has fixed the total rateable value at Rs.19,450/-.

5. Mr. Pethe, the learned Counsel for the Petitioners, submitted that the Court ought not to have relied on the evidence of the Architect. However, there is nothing on record which shows that

the evidence of the Architect is unreliable. Having regard to the fact that the Court has employed a known method of fixation of rateable value, I see no reason to interfere with the impugned order. In the circumstances, Rule discharged. Writ Petition is dismissed.

6. There shall be no order as to costs.

Sd/-

(S. A. BOBDE, J.)